#451

BILL NO. Z-90-11-17

ZONING MAP ORDINANCE NO. Z-01-91

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. SECTION 1. That the area described as follows is hereby designated a B-2-D (Regional Shopping Center District) under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

A parcel of land located in Section 7, Township 30 North, Range 12 East, Allen County, Indiana and more particularly described as follows, to wit:

COMMENCING at the Southwest corner of Lot #13 in Pavey's Subdivision to the City of Fort Wayne, Indiana, as recorded in Plat Record 14, page 124; thence Easterly along the South line of said lot a distance of 15.0 feet to the point of beginning.

BEGINNING at the above described point; thence North 0 degrees 19 minutes 58 seconds West (assumed bearing basis for description) along the new 40 foot right-of-way line of Getz Road, said line also being 15.0 feet measured perpendicular to and running parallel with the West line of said Pavey's Subdivision, a distance of 1093.21 feet measured (1092.72 feet plat); thence North 89 degrees 47 minutes 40 seconds East a distance of 116.0 feet to a point located on the West line of Lot #7 in said subdivision and 200.0 feet North of the Southwest corner of said lot; thence North 0 degrees 19 minutes 58 seconds West along said West line a distance of 366.92 feet to the South right-of-way line of Illinois Road; said point located 50 feet South of the North line of said lot; thence North 89 degrees 52 minutes 30 seconds East along a line 50 feet South measured perpendicular and parallel with said North line of Lots #7 thru 3 in said Subdivision along said right-of-way line a distance of 680.0 feet to a point on the East line of said Lot #3; thence South 0 degrees 19 minutes 58 seconds East along said East line a distance of 465.96 feet to a point, said point located 100.0 feet North of the Southeast corner of said Lot #3; thence North 89 degrees 47 minutes 40 seconds East and parallel to the South line of Lot #2 in said subdivision a distance of 136.0 feet to a point on the East line of said lot; thence South 0 degrees 19 minutes 58 seconds East along said East line a distance of 100.0 feet to the Southeast corner of said Lot #2, also being the Southwest corner of Lot #1 said Subdivision; thence North 89 degrees 47 minutes 40 seconds East along the South line of said Lot #1 also being the North line of Lot #9 a distance of 148.69 feet to the Southeast corner of Lot #1, also the

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Northeast corner of Lot #9; thence South 0 degrees 12 seconds West along the East line of Lots #9 and 10 in said Subdivision a distance of 233.78 feet; thence North 89 degrees 52 minutes 30 seconds East a distance of 582.67 feet; thence South 0 degrees 00 minutes 27 seconds West a distance of 238.72 feet; thence South 88 degrees 55 minutes 30 seconds East a distance of 504.65 feet to a point on the West line of Westmoor Extended Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 22, Pages 155-158; thence South 0 degrees 00 minutes 45 seconds West along the West line of Lots # 96 through 91, in said Addition a distance of 426.91 feet; thence North 87 degrees 59 minutes 29 seconds West along the North line and its extension of Breconshire, Phase Four, as recorded in Cabinet B, page 41, a distance of 757.20 feet to the Northwest corner of Lot #74 in said Addition; thence South 0 degrees 00 minutes 12 seconds West along the West line of said lot a distance of 40.5 feet; thence North 88 degrees 55 minutes 32 seconds West a distance of 330.0 feet to the Southeast corner of said Lot #13; thence North 89 degrees 01 minutes 29 seconds West along said South line a distance of 1075.6 feet to the point of beginning containing 45.93 acres of land and subject to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. E-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

# FACT SHEET

Z-90-11-17
BILL NUMBER

## Division of Community Development & Planning

**BRIEF TITLE**
Zoning Ordinance Amendment
From R1, RA, B1B & B3B to B2D

**APPROVAL DEADLINE**

**REASON**

**DETAILS**

**Specific Location and/or Address**
Southeast corner of Getz & Illinois Roads

**Reason for Project**
Planned shopping center district.

**Discussion (Including relationship to other Council actions)**

19 November 1990 - Public Hearing

See Attached Minutes of Meeting.

7 January 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, five (5) voted for the motion, two (2) voted against the motion, one (1) abstained, one (1) did not vote.

Motion carried.

| POSITIONS | RECOMMENDATIONS |
|---|---|
| Sponsor | City Plan Commission |
| Area Affected | City Wide<br>Other Areas |
| Applicants/ Proponents | Applicant(s) Meijer Realty Co., Inc.<br>City Department<br>Other |
| Opponents | Groups or Individuals See Minutes for Complete Lis<br>Basis of Opposition - would be detriment to residential quality of area; - would increase the traffic congestion in area. |
| Staff Recommendation | [X] For [ ] Against<br>Reason Against |
| Board or Commission Recommendation | By<br>[X] For [ ] Against<br>[ ] No Action Taken<br>[ ] For with revisions to conditions<br>(See Details column for condition |
| CITY COUNCIL ACTIONS (For Council use only) | [ ] Pass [ ] Other<br>[ ] Pass (as amended) [ ] Hold<br>[ ] Council Sub. [ ] Do not pass |

DETAILS

POLICY/PROGRAM IMPACT

| | |
|---|---|
| Policy or Program Change | ☐ No ☐ Yes |
| Operational Impact Assessment | |

(This space for further discussion)

Project Start Date 18 October 1990

Projected Completion or Occupancy Date 7 January 1991

Fact Sheet Prepared by Date 7 January 1991

Patricia Biancaniello

Reviewed by Date 1-10-91

Kathy Maglozzi

Reference or Case Number

Bill No. Z-90-11-17 - Change of Zone #451
From R-1, RA, B-1-B & B-3-B to B-2-D
The southeast corner of Getz and Illinois Road.

Primary Development for MEIJER SHOPPING CENTER

John Stephenson, Vice-President of real estate for Meijer Incorporated out of Grand Rapids, Michigan appeared before the Commission. Mr. Stephenson stated that this is a rezoning for a 46 Acre parcel on the southeast corner of Getz & Illinois Roads. He stated that they intend to develop a Meijer Store on the property. He stated that a big reason for the large amount of acreage is for the retention area that they intend to put to the east of the property. He stated that they are proposing to locate a 200,000 square foot Meijer Store on the property, with about 1500 car parking and a gas station/convenience store. He stated that last Wednesday night they had an open house at the St. Michael's Church on Getz Road. He stated that they had previously sent invitations to about 70 homes, fifty-five of which are in Breconshire the balance are in Westmoor. He stated that 66 neighbors attended the meeting. He stated that at the open house was the traffic consultant Tom Cicero, three people from Meijer Inc., and the architect. He stated that the focus was to tell the people what they are proposing to do and how they would propose to develop the property. He stated the idea was to get their reaction to what they are proposing and have them give them feedback. He stated that the response at the meeting was generally positive. He stated that they operate a total of 57 stores, about 40 + of those stores are in the state of Michigan, 10 to 15 are located in Ohio. He stated that they have done a lot of looking before they came up with this location and they feel that this location came the closest to meeting their requirements. He stated that in their store is a supermarket and about 50% of their sales volume is in the supermarket. He stated that the rest of the store is devoted to general merchandise, including everything from 2 x 4's to soft goods. He stated that they describe themselves as a one stop shopping operation. He stated that they are privately held. He stated that they employ at this time 46,000 people. He stated that the store will be located at the south end of the property with the parking lot in front. He stated that the convenience/gas station would be in the front and the major entrance would be from Illinois Road and a secondary entrance and exit also on Illinois and the current plan also show three means of ingress and egress to Getz Road. He stated that they have also submitted to the City a traffic study that was done by Bonar and Associates. He stated that their attempt that evening was not to go into all of the specifics but to simply cover the highlights of what they are proposing.

Tom Cicero, with Bonar & Associates, appeared before the Commission. Mr. Cicero stated that they looked at the existing conditions and then used them to analyze the current operational patterns on Getz & Illinois. He stated they tried to determine

the amount of traffic and traffic pattern and resulting operational conditions that would derive from this development. He stated that they estimated that approximately 11,500 trips would be generated by the store on an average weekday and approximately 13,000 on a Saturday. He stated that these estimates are a total of the ingress and egress trips in and out of the development. He stated that during the week they only estimate that half of those vehicles were going to be existing traffic on the network passed by trips and half would be new generated traffic specifically for the store. He stated that on the weekends a little less, existing traffic about 40% and maybe 60% new generated traffic. He stated that the analysis indicated that a signal would be required at the location of the main entrance to the development. He stated that the secondary drive on Illinois Road would function as a right in - right out only. He stated that with the additional traffic that this development would generate they are only looking at a 5 second additional delay for vehicles at that intersection. He stated that they feel that this is a good opportunity for the City from a traffic standpoint, that they will be able to control a large area of commercial access at a very critical location on the Illinois and the Getz Road corridor.

Mel Smith questioned what the volume of traffic is now on Getz Road and Illinois.

Mr. Cicero stated on Getz Road it is 13,270 and Illinois Road it is approximately 29,000 west of Getz and approximately 26,000 east of Getz.

Mr. Stephenson stated that one of the main concerns of the residents is the proximity of the project to Breconshire Addition. He stated that they are showing a berm of at least 15 feet in height that would separate their development from the Breconshire Addition. He stated that they have 120 to 160 feet in distance from the property line to the back of their building and what they intend to do is put in a heavily landscaped berm with mature trees. He stated it would serve then to separate their development from the homes to the south of them. He stated that they have no activities located on the back side of the building. He stated that the truck docks are located on the end of the building so that they can be screened by the bringing the berm around the corner. He stated at this point the berm has not been designed it is one of the points that will be dealt with in further discussions with the staff.

At this point the petitioner presented a video tape of a promotion for the store to the Commission.

Mr. Stephenson continued after the video presentation. Mr. Stephenson stated that as was pointed out on the video they are not coming in as developers only, but as owners and operators of the project. He stated that they are going to be providing jobs for at least 700 people at this location. He stated they will be

paying in excess of $100,000 in property taxes to the City. He stated that the staff report is not positive and they have had discussions with staff about the report. He stated that from the discussions with staff they feel they have reason to believe that with further discussions they should be able to come up with some ways that they can mitigate some of the potential adverse impacts of the development. He stated that they would request that the decision by the Commission be deferred until January 7, 1991, so that they can continue their discussions with staff.
Yvonne Stam questioned how deep the project was from Illinois Road.

Mr. Stephenson stated it was about 1400 feet.

Yvonne Stam questioned if the number of parking spaces met the requirements of the ordinance.

Mr. Stephenson stated that they are only required around 500 spaces. He stated that they have found with these projects that they need about 8 parking spaces per 1,000 square feet of space.

John Shoaff questioned how high the lights in the parking lot would be.

Mr. Stephenson stated that normally they are 49 feet high.

Mark Gensic questioned where the majority of the truck traffic would ingress and egress.

Mr. Stephenson stated that they should come off of Illinois.

Mr. Shoaff pointed out that it is possible for truck traffic to ingress and egress from Getz Road.

David Long questioned what they felt the long term impact would be along the undeveloped areas of Getz Road.

Mr. Stephenson stated that it varies. He stated that at some of their stores no commercial development has occurred around them and others have drawn commercial development. He stated that in respect to this location he felt that a commercial identity has been established. He stated there is a Speedway Station on the corner and other commercial in the area. He stated that speaking specifically of Getz Road and the property directly across the street from them those are planning issues they would have to deal with.

David Long questioned if the depth being shortened, as recommended by staff, to 650 feet from Illinois Road, as opposed to the original request of 1400 feet, would hinder the development of the project.

Mr. Stephenson said they would not be able to develop the project.

Mr. Long questioned if there was a compromise in the works or if they were insisting on the 1400 feet depth.

Mr. Stephenson stated that they would have to work on the site plan. He stated they felt that with the current site plan that leaving 160 feet between the building and the property line and installing a 15 foot berm would be comparable to leaving several hundred feet between the building and the property line. He stated that he felt that there is some flexibility in terms in moving the building somewhat forward. He stated that they have to maintain a certain parking ratio in order to make the project work.

David Long questioned if this project were to be approved when would construction on the store begin.

Mr. Stephenson stated that it would be at least 2 to 3 years.

Mr. Long stated that there is no guarantee that if within this 2 or 3 years Meijer's does not or is unable to build on the propertyand that a store like Meijer's will come in and develop this property. He stated that it could be sold to a less desirable tenant to be developed.

The following people spoke in support of the proposed project:

Delbert Dennis, 1632 Cambrian Place
David Saemisch, 1626 Cambrian Place
Jack Powell, 8721 Breakwater Drive, developer of lots in Breconshire
William Chamar, 1911 Edenton Dr, Vice Pres of the Westmoor Neighborhood Association

The following people spoke in opposition to the proposed project stating the following concerns:

- increased traffic volume
- noise pollution
- 24 hour day operation
- water run off from property
- development would cause a decrease in property values
- environmental impact on area
- felt the extension of Briar Fence Lane as an access into the development would be a detriment to Breconshire Subdivision
- a retention pond would be a breeding place for mosquitos and a danger to area children

Mike Glen, 5410 Welsch Glen Run
Peter Barkowith, 5927 Sundance Dr
John Leeder, 1624 Bardsey
Laurie Shaw, 1622 Briar Fence Ln
James Emerson, 1626 Briar Fence Ln
Resident, 5428 Breconshire Dr

Melba Baker Allen, 6016 Lois Ln
Vince Mastrangelo, 5318 Welsch Glen Run
Hilda Stadlemayer, 1623 Cambrian Pl
Marie Britton, 5517 Breconshire

In rebuttal, Mr. Stephenson stated that the extension of Briar Fence Lane from the Breconshire as an access to the development was at the recommendation of the staff. He stated it is not there request. Mr. Stephenson stated that with regard to the drainage they have proposed a dry pond on the property and there will be an outlet from the pond into the drain to the east of the property. He stated it would not set with water in the pond and serve as a mosquito breeding area and the pond will be fenced for the safety of the area residents. He stated that they feel that they can buffer the properties from the noise and lighting with the proposed berm and plantings. He stated that they can also work on lowering the lights if it proves necessary. He stated that he felt that they can by working with the staff come up with ways of mitigating some of the issues and concerns expressed. He stated that is what they would like to do and take another month to work on the objections of the area residents and staff.

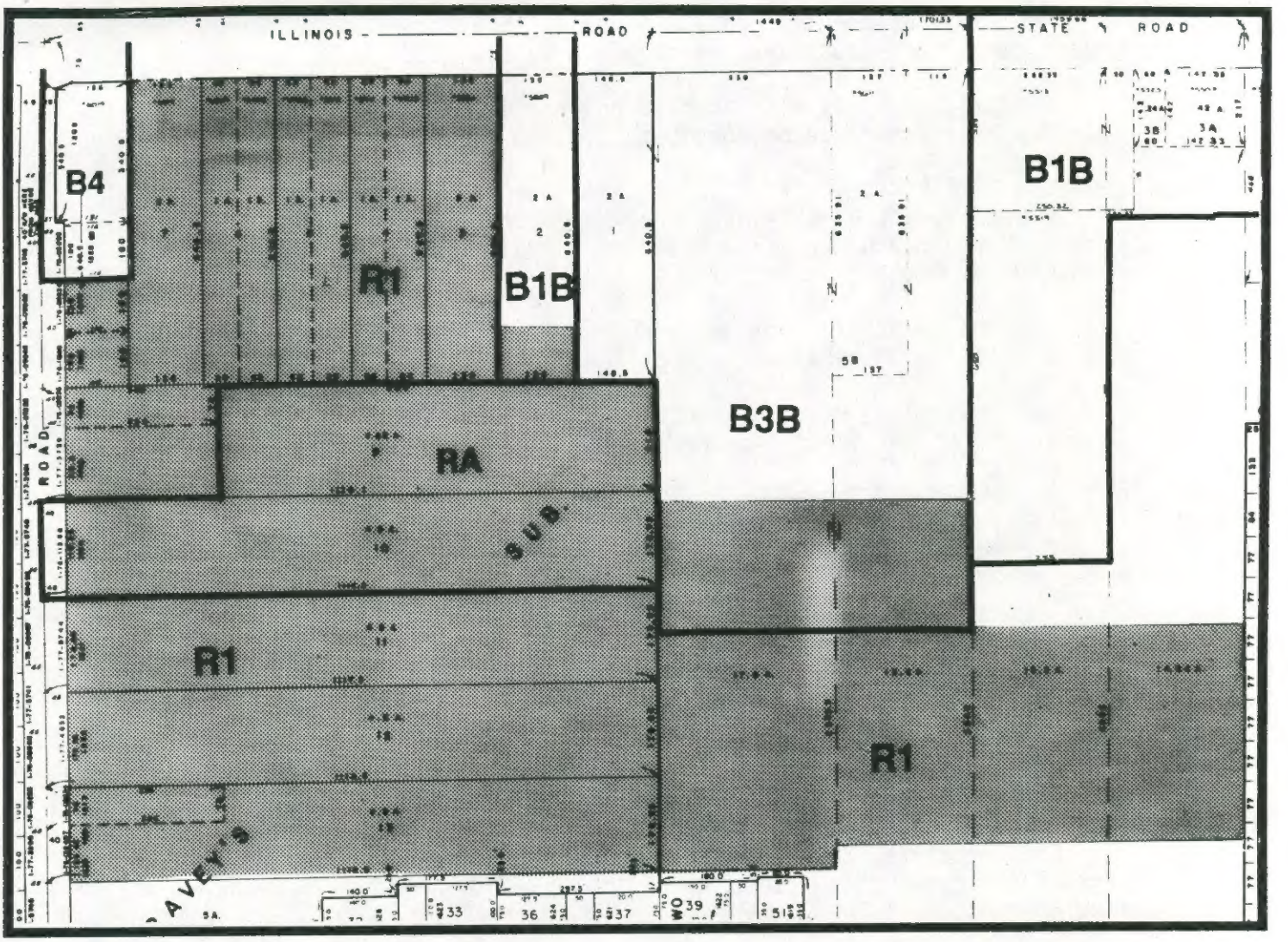
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and primary development plan.

## REZONING PETITION #451

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1, RA, B1B, B3B** DISTRICT TO A **B2D** DISTRICT.

MAP NO. **E-2**

COUNCILMANIC DISTRICT NO. **4**




## ZONING:

*R1 RESIDENTIAL DISTRICT*

*RA RESIDENCE "A"*

*B1B LIMITED BUSINESS "B"*

*B3B GENERAL BUSINESS "B"*

## LAND USE:

☐ *COMMERCIAL*

☐ *SINGLE FAMILY*

☐ *MULTI-FAMILY*

LW

**SCALE: 1"=275'**

**DATE: 10-29-90**

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-11-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 19, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held January 7, 1991.

Certified and signed this
10th day of January 1991.

Robert Hutner
Secretary

**MEIJER Development, on behalf of numerous property owners requests a change of zone from R-1, RA, B-1-B, and B-3-B to B-2-D.**

| | | | |
|---|---|---|---|
| Location: | Southeast corner of Getz & Illinois Roads. | | |
| Legal: | See file. | | |
| Land Area: | Approximately 46 acres. | | |
| Zoning: | R-1, RA, B-1-B, and B-3-B | | |
| Surroundings: | North | County | Commercial |
| | South | R-1 | Residential |
| | East | R-1/B3B | Open / Commercial |
| | West | B1B/R-1 | Commercial / Residential |
| Reason for Request: | Approximately 200,000 Sq.Ft. of commercial. | | |
| Neighborhood Assoc.: | Breconshire Neighborhood Association<br>Westmoor Park Neighborhood Association | | |
| Neighborhood Plan: | No comment. | | |
| Comprehensive Plan: | No comment. | | |
| Landscape: | This rezoning presents a major intrusion into a residential area, and will likely lead to further requests for zoning changes on the west side of Getz Road. Street infrastructure on Getz is inadequate to accommodate likely traffic generated, and widening to accommodate will further erode the residential character of the street. If approved, B-2-D zoning will allow for controls in site and landscape planning so that buffers may be required to reduce negative impact on surrounding neighborhoods. | | |

**Planning Staff Discussion:**

The Plan Commission is well aware of the Illinois and Getz Road corridors. Based on an evaluation done in 1985-86, the Plan Commission elected to support the commercialization of Illinois Road, but to restrict the depth of rezoning. The Getz Road corridor was seen as staying residential, at least until such time that the infrastructure improvements could address the elements of community welfare and safety needed to allow non-residential development. (Re-evaluation of the corridor would then be appropriate at that time.) Established commercial and

residential uses need to be protected from over-intensification of uses, and unplanned impacts from disorderly growth.

We evaluated this petition against the established criteria for a rezoning, and against the previously established policy set by the Plan Commission for this area. A number of issues came to the forefront of our discussions.

We agree that the Plan Commissions policy of allowing commercial uses along Illinois Road is appropriate, and encourages a diversification of market uses beneficial to the area. The necessary infrastructure is present, and the implementation of a frontage road concept has helped to minimize potential traffic conflicts. We do feel however that the depth of rezoning needs to be re-examined due to the potential impacts on commercial uses, residential uses to the south, and on the Getz Road corridor.

The Getz Road corridor represents an entirely different situation. Primarily a two-lane roadway, Getz Road consists of well maintained established residential uses from Maurane Drive north to Illinois Road. New construction is occurring in the Breconshire Addition, and some interest has been shown in developing residential parcels off of Lois Lane. Commission members are already aware of concerns voiced by area residents regarding traffic volumes and potential safety issues.

This petition represents approximately 46 acres of ground that would be developed non-residentially, and that would effectively stifle any potential for future residential development. Approval of this petition as submitted therefore has a tremendous magnitude of impacts on the area. First of all, the scope and scale of the proposed development is such that it represents an over-intensification of the area, compromising the residential uses along Getz Road, and impacting the potential public safety needs of both these corridors. The existing residential uses located to the south, and along Getz Road would surely feel the effect of this scale of development, as would commercial uses to the east. Traffic increases and a potential loss of property values would effect them, as well as having their quality of life impacted by exposure to additional noise and glare from a massive parking lot.

The proposed square footage has been estimated to generate approximately 13,000 vehicles on Saturdays, dropping to around 11,500 vehicles on weekdays. The petitioners consultants have submitted their recommendations including improvements required to maintain public safety and level of service issues. It should be noted that these recommendations include a traffic signal, additional turn lanes and the re-timing of an existing traffic signal. While the petitioner has indicated a willingness to construct roadway improvements along their frontages, the rest of the Getz Road corridor would not be improved. The attempt to maintain the existing level of service of the roadways would be

primarily directed to the access points of this development, and would not necessarily address any secondary problems in the area. Further the Balser property at the southeast corner of the intersection is not part of this development, and additional right-of-way may be difficult for the developer to negotiate.

Other concerns in the area relate to the environmental impact potentials. Some of the residential sites along Getz Road have well established tree masses, and other vegetation. The proposed development would necessitate the removal of this environmental strip, substituting some landscape buffers. We feel that the increases in traffic generated, along with the associated environmental impact would severely diminish property values in the area, as well as quality of life issues.

Finally, we feel that this petition is not representative of responsible development and growth ideals. It would compromise the property values and quality of life issues along Getz Road, while exacting a strain on the existing infrastructure. The intensity of this petition would negate the improvements associated with its development. The general area already has a wide variety of retail developments that are located in a more appropriate relationship to existing infrastructure improvements. (This site is within approximately 1700 feet of Times Corners, Covington Plaza and the undeveloped Apple Glen site.)

We also feel that approval of this petition as submitted will mark the cornerstone of a domino series of rezoning petitions along the Getz Road corridor. Since the Plan Commission has determined that this area is to remain residential, offering a false encouragement to property speculators would not be appropriate.

Fortunately, this petition represents a dual opportunity. For the City, the Plan Commission can secure the levels of intensity that can be supported by the existing infrastructure without sacrificing the area property values, or any public safety issues. Re-affirmation of the intent to maintain residential uses along the Getz Road corridor, while endorsing appropriate commercial land utilization, sends a clear message to Common Council and the development community. On the other hand, developers can benefit by the clear cut delineations made, and can utilize the appropriate lands for future development, capitalizing on the available market and the proximity to the I-69 interchange.

Evaluation by our staff leads us to believe that the Plan Commission can best execute their responsibility by perfecting this petition to a depth of 650 feet from the Illinois Road centerline, and by denying access to Getz Road. Perfection would address the concerns evident in the area, secure the development potentials along both corridors, and provide for orderly growth. The change to a rezoning depth of 650 feet from centerline would allow a somewhat natural alignment with the rear of platted lots,

and should be shortened as appropriate nearer the Getz Road intersection.

We feel that this approach is predominately consistent with the Plan Commissions policies in this area, and with the Comprehensive Plan. The modifications to the petition as proposed would further enhance the integrity of both corridors, and would clearly assert the Commissions policy.

Recommendation:

Perfect the petition to include only that area of ground with a depth of 650 feet from the centerline of Getz Road, and recommend a "Do Pass" for the perfected petition, contingent upon the petitioner satisfying the following:

1) Submit a revised legal description satisfying the above depth requirement.

Reasons:

1) Approval as perfected will comply with both the Comprehensive Plan and the intent of the policy established by the Plan Commission for this area.

2) Approval as perfected will comply with the current character of the area, with minimal negative impacts on the residential uses located to the south.

3) Approval as perfected represents a responsible development approach based on the nature of the existing infrastructure and uses located in the immediate area.

4) Approval as perfected will clearly indicate the Plan Commissions intent for development in this area, and will assist in the preservation of both property values and quality of life.

COMMUNITY & ECONOMIC DEVELOPMENT

Wayne O'Brien
Planner

# MEMORANDUM

TO: Plan Commission

FROM: Greg Purcell, Director, Community & Economic Development

DATE: January 4, 1991

SUBJECT: Rezoning Petition #451 - Meijers Development

Since the original petition for rezoning this property was filed and the public hearing was conducted, staff has had a significant amount of discussion with the developer. The purpose of this discussion has been to address various concerns pointed out in the preliminary staff analysis of the project, and issues identified by area residents at the public hearing.

To this end, the development plan has been revised to ameliorate most of the concerns expressed in the original staff analysis and other neighborhood concerns. The developer has made a commitment to enter into a development agreement which will be a part of the development plan approval. The specific points and changes referenced are discussed below; however, I must point out that the possible conditions that might mitigate the negative impacts of approval can only be contingencies to the development plan submittal--not the rezoning. Legally, the rezoning issue must be decided on the merits of the land use issue and how it complies with established criteria including the Comprehensive Plan and potential impact of future development. However, if the Plan Commission and Common Council choose to approve the rezoning request, they must then evaluate the overall area and establish the guidelines that they wish to impose on development in order to ensure the continued well being of the area.

If approved, the Plan Commission can expect to see increased traffic and requests for additional commercial rezoning on both sides of Getz Road. The Commission will need to establish firm policies on how, and if, it wants that development to proceed. Options may include establishing the centerline of Getz Road and the south line of this site as the maximum extent of non-residential zoning, or the Commission may choose to allow Getz Road to be commercialized to the Covington Road intersection. Each scenario will have different impacts on the general area and will have to be addressed.

LAND USE AND SETBACK FROM ILLINOIS ROAD

The Plan Commission is well aware of the Illinois and Getz Road corridors. Based on an evaluation done in 1985-86, the Plan Commission, by informal policy, elected to support the commercialization of Illinois Road, but to restrict the depth of rezoning. Getz Road was envisioned as remaining residential.

In 1986-87, a similar petition was considered by the Plan Commission. That request included the rezoning of this intersection to a depth of approximately 1,100 feet (Duraski petition Z-86-12-22). The detailed plans for this petition were never submitted, and as a consequence, the petition was denied.

Since the filing of the original Meijer plan, the developer has agreed to move the building approximately 250 feet from the southern boundary. The area between the building and the Breconshire subdivision would thus have a significant distance of buffered area that would include a 15-foot high berm and be heavily landscaped.

INFRASTRUCTURE IMPROVEMENTS

A major point in the preliminary staff analysis of this petition was the capability of the existing infrastructure to accommodate the development. It was felt that established commercial and residential uses needed to be protected from over-intensification of uses, and unplanned impacts from disorderly growth, particularly as it relates to Getz Road.

It was felt that the policy allowing commercial uses along Illinois Road was appropriate, and encouraged a diversification of market uses beneficial to the area. The necessary infrastructure is present, and the implementation of a frontage road concept has helped to minimize potential traffic conflicts.

The Getz Road corridor represents an entirely different situation. Primarily a two-lane roadway, Getz Road consists of well maintained established residential uses from Maurane Drive north to Illinois Road. New construction is occurring in the Breconshire Addition, and some interest has been shown in developing residential parcels off of Lois Lane. Area residents have voiced concerns regarding traffic volumes and potential safety issues. The preliminary staff analysis made the point that,

> "(T)he Getz Road corridor was seen as staying residential, at least until such time that the

infrastructure improvements could address the elements of community welfare and safety needed to allow non-residential development. (Re-evaluation of the corridor would then be appropriate at that time.)"

Obviously, the existing two-lane Getz Road is insufficient to accommodate the proposed intensity of land use. The existing conditions today are described as "difficult" by Breconshire residents when trying to exit the sub-division during the morning rush hour. While the traffic studies conducted for the developer by Bonar Associates, Inc. and Barton-Aschman Associates, Inc. point out that most of the traffic for the development will be coming from Illinois Road, there will still be an additional burden on Getz.

To address this issue, the developer has agreed to major traffic improvements along Getz and Illinois Road at the developer's expense. Further, the developer has agreed to the creation of a Tax Increment Financing (TIF) District, and the private purchase of a $1,000,000 bond to finance the improvement of the balance of Getz Road to Covington Road during project construction. This will ensure the improvement of Getz Road at the time of construction for the project. Improvements may include the conversion of Getz Road into either a 3 or 4 lane roadway. Additional items will need to be considered including the possible provision of internal access for the Balser Rental site and the possible termination of the existing stub streets to meet city requirements.

LANDSCAPE AND SOUND BUFFERING

This petition represents approximately 46 acres of ground that would be developed non-residentially, and that would stifle any potential for future residential development. The existing residential uses located to the south and along Getz Road would feel the effect of this scale of development, as would commercial uses to the east. Quality of life would be impacted by exposure to additional noise and glare from a massive parking lot and building, although the development plan will alleviate most of the direct impact immediately south.

The developer has made some significant improvements to the landscape plan which will maximize the protection of the residential areas to the south. Specifically, the developer has agreed to the following:

- Move the building forward to create approximately 250 feet of buffer area.

- Create a 15-foot high berm with major landscaping to alleviate any visual or sound intrusion to the Breconshire subdivision.

- Construct a sound reduction wall around the loading area. Note: a sound level analysis prepared by Woolpert Consultant shows ambient sound levels will stay the same or improve for neighborhood residents.

- Incorporate existing trees into the landscape design.

- Wrap a berm around the southwest corner of the development and taper down to the first entrance off Getz. The northern most point should be established as the line of demarcation limiting any further commercial development along Getz.

If the rezoning and preliminary development plan are approved, it should be noted that additional detail will have to be prepared on the secondary development plan for approval.

DRAINAGE

There is sufficient area on the site to provide for storm water detention. Since the original review, the developer has redesigned the detention area so that standing water will only be present 12-24 hours after a major rain. Additional drainage improvements could be made at the Flaugh drain using TIF revenues. The ability to use TIF revenues to make drainage improvements in this area is no small issue given our recent flood experience.

While the issues described above are not "technically" part of the rezoning petition, it is hard to consider the rezoning without considering the development plan. With the improvements described, it is my opinion that the rezoning is a more positive option.

Another way of looking at the proposed rezoning is to consider the potential future development if a single development does not happen. While we have had some success with the "frontage road" concept, it is not at all clear that we will have the wherewithal to ensure its development, (see Attachment I - my letter to John Hoffman). A likely scenario for this area along Illinois is a continued strip commercial development with more pressure for additional curb cuts.

Perhaps the major negative aspect of approving the rezoning is the potential for continued commercial development along Getz Road - particularly along the west side. Unfortunately, it is my

view that we will likely see continued commercial development pressure along Getz regardless of whether this rezoning or development happens. From a policy perspective, we will have to address these issues in the future. However, if this rezoning and project is approved, the extent of future commercial development should be clearly defined and adhered to.

Fortunately, this petition represents a dual opportunity. For the City, the Plan Commission can secure the levels of intensity that can be supported by the infrastructure without a major sacrificing of area property values, or any public safety issues. Developers can benefit by the clear cut delineations made, and can utilize the appropriate lands for future development, capitalizing on the available market and the proximity to the I-69 interchange.

It is incumbent upon both the Plan Commission and Common Council to realize that this is an important land use issue and that their decision is more than a simple approval or denial, and that the Commission and Council need to be aware of the long term effects of their decision. The message that is sent to the community must incorporate strong support of the issues and a commitment to the future. Future land use decisions must be consistent with this position or we have compromised the effect of this decision.

RECOMMENDATION

Approve the rezoning as proposed.

Reasons:

1) Approval is consistent with the commercial development trend along Illinois Road.

2) Approval provides for development to occur under a unified development plan.

3) Through the development plan review process existing infrastructure needs can be addressed.

gb

Attachments

# THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

November 15, 1990

Mr. John E. Hoffman
Hoffman, Moppert, Wray & Richards
Anthony Wayne Building, Suite 1212
Fort Wayne, IN 46802

Dear Mr. Hoffman:

This is to follow up on my interim response to your letter of September 11, 1990 concerning frontage roads and development along West Jefferson. Most of the properties referred to in your letter were developed after the establishment of a Plan Commission policy in 1985 requiring frontage road agreements for development along West Jefferson. Two properties (3825 - Mutton Dentistry and 3835 - Kelsey Chiropractic) were developed in 1982, and have no commitments or agreements for frontage roads.

Your letter points out the fact that ". . . the population of Aboite Township has increased over 50% in the last ten years . . ." While this increase in population in Aboite clearly adds to the traffic congestion along West Jefferson, it unfortunately does not add any revenue to the City of Fort Wayne to address the problem. In recognition of this lack of resources, the Plan Commission adopted a policy in 1985 requiring the property owners to participate in a frontage road. The four primary elements of the policy are shown below:

1) Non-residential property owners are required to provide for a private frontage road meeting certain engineering standards at the time of either a rezoning submittal or a variance petition. The option is given to the property owner of either constructing that road at the time of development, or providing a restrictive covenant addressing the frontage road implementation (on a case by case basis).

2) Language was required that provided for the frontage road construction to take place when determined necessary by the Traffic Engineering Department or the City of Fort Wayne.

3) The agreement also requires the property owner to construct their portion of the frontage road at their expense, including the removal of any obstructions, either physical or visual, and for the perpetual maintenance of the constructed roadway.

4) Another condition provides that any an all access to Jefferson Boulevard would be considered as "temporary" only, and would be subject to closure when required by Traffic Engineering.

Since receiving your letter, we have met with the Traffic Engineer and asked that letters be sent to those property owners identified in your letter asking them to construct the frontage road agreed to at the time their development was approved by the Plan Commission or Board of Zoning Appeals. In most cases, I anticipate the property owner will abide by his/her agreement.

Unfortunately, we have not always had a positive experience with getting property owners to live up to the commitments made when seeking approval of their development. As an attorney, I am sure you can appreciate some of the difficulties we may encounter from a property owner reticent to fulfill a commitment to construct a frontage road.

In my judgement, we need a stronger tool to ensure the construction of frontage roads than the "agreement" at the time of development approval. Property owners can too easily argue against fulfilling the commitment to construct the frontage road. The City may then be forced to engage in costly and time consuming litigation that would threaten the entire frontage road concept.

To alleviate this problem, the Planning Staff will be preparing amendments to the sub-division and zoning ordinance. The amendments will require the frontage road to be built at the time of development or for the developer to post a "performance bond" to ensure the road gets built. We will also be exploring the creation of a special zoning district for major arterial corridors when we identify the need for frontage roads.

You also offered the assistance of the Westwood Fairway Community Association in helping with this matter. I think the Association can help us by supporting the ordinance amendments as we prepare them. We also may need specific State enabling legislation to allow for the creation of a "frontage road assessment" district to pay for the cost of building and maintaining these roads.

To conclude, I concur with your assessment that the "dream" of a

frontage road system has not been successful. However, the frontage road system is the best way of alleviating traffic congestion along major corridors like West Jefferson. While the Planning Staff can develop the plans to properly address the problem, they are meaningless without the resources or tools to implement them.

We will be working toward the creation of stronger tools to get the frontage road system to address the traffic congestion. Your support as we proceed toward these goals would be appreciated.

Sincerely,

Greg Purcell, Director
Community & Economic Development

gb

cc: Mayor Helmke
Plan Commission
John Hyde, Westwood-Fairway Association
John Heiney, Wildwood Park Association
Ben Eisbart

# FACT SHEET

Z-90-11-17
BILL NUMBER

## Division of Community Development & Planning

**BRIEF TITLE**
Zoning Ordinance Amendment
From R1, RA, B1B & B3B to B2D

**APPROVAL DEADLINE**

**REASON**

**DETAILS**

**Specific Location and/or Address**
Southeast corner of Getz & Illinois Roads

**Reason for Project**
Planned shopping center district.

**Discussion (Including relationship to other Council actions)**

19 November 1990 - Public Hearing

See Attached Minutes of Meeting.

7 January 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, five (5) voted for the motion, two (2) voted against the motion, one (1) abstained, one (1) did not vote.

Motion carried.

| POSITIONS | RECOMMENDATIONS |
|---|---|
| Sponsor | City Plan Commission |
| Area Affected | City Wide<br>Other Areas |
| Applicants/ Proponents | Applicant(s)<br>Meijer Realty Co., Inc.<br>City Department<br>Other |
| Opponents | Groups or Individuals<br>See Minutes for Complete Lis<br>Basis of Opposition<br>- would be detriment to residential quality of area;<br>- would increase the traffic congestion in area. |
| Staff Recommendation | [X] For [ ] Against<br>Reason Against |
| Board or Commission Recommendation | By<br>[X] For [ ] Against<br>[ ] No Action Taken<br>[ ] For with revisions to conditions<br>(See Details column for condition |
| CITY COUNCIL ACTIONS (For Council use only) | [ ] Pass [ ] Other<br>[ ] Pass (as amended) [ ] Hold<br>[ ] Council Sub. [ ] Do not pass |

DETAILS

POLICY/PROGRAM IMPACT

| | |
|---|---|
| Policy or Program Change | ☐ No ☐ Yes |
| Operational Impact Assessment | |

(This space for further discussion)

Project Start Date 18 October 1990

Projected Completion or Occupancy Date 7 January 1991

Fact Sheet Prepared by Date 7 January 1991

Patricia Biancaniello

Reviewed by Date 1-10-91

Kathy Maglozzi

Reference or Case Number

Bill No. Z-90-11-17 - Change of Zone #451
From R-1, RA, B-1-B & B-3-B to B-2-D
The southeast corner of Getz and Illinois Road.

Primary Development for MEIJER SHOPPING CENTER

John Stephenson, Vice-President of real estate for Meijer Incorporated out of Grand Rapids, Michigan appeared before the Commission. Mr. Stephenson stated that this is a rezoning for a 46 Acre parcel on the southeast corner of Getz & Illinois Roads. He stated that they intend to develop a Meijer Store on the property. He stated that a big reason for the large amount of acreage is for the retention area that they intend to put to the east of the property. He stated that they are proposing to locate a 200,000 square foot Meijer Store on the property, with about 1500 car parking and a gas station/convenience store. He stated that last Wednesday night they had an open house at the St. Michael's Church on Getz Road. He stated that they had previously sent invitations to about 70 homes, fifty-five of which are in Breconshire the balance are in Westmoor. He stated that 66 neighbors attended the meeting. He stated that at the open house was the traffic consultant Tom Cicero, three people from Meijer Inc., and the architect. He stated that the focus was to tell the people what they are proposing to do and how they would propose to develop the property. He stated the idea was to get their reaction to what they are proposing and have them give them feedback. He stated that the response at the meeting was generally positive. He stated that they operate a total of 57 stores, about 40 + of those stores are in the state of Michigan, 10 to 15 are located in Ohio. He stated that they have done a lot of looking before they came up with this location and they feel that this location came the closest to meeting their requirements. He stated that in their store is a supermarket and about 50% of their sales volume is in the supermarket. He stated that the rest of the store is devoted to general merchandise, including everything from 2 x 4's to soft goods. He stated that they describe themselves as a one stop shopping operation. He stated that they are privately held. He stated that they employ at this time 46,000 people. He stated that the store will be located at the south end of the property with the parking lot in front. He stated that the convenience/gas station would be in the front and the major entrance would be from Illinois Road and a secondary entrance and exit also on Illinois and the current plan also show three means of ingress and egress to Getz Road. He stated that they have also submitted to the City a traffic study that was done by Bonar and Associates. He stated that their attempt that evening was not to go into all of the specifics but to simply cover the highlights of what they are proposing.

Tom Cicero, with Bonar & Associates, appeared before the Commission. Mr. Cicero stated that they looked at the existing conditions and then used them to analyze the current operational patterns on Getz & Illinois. He stated they tried to determine

the amount of traffic and traffic pattern and resulting operational conditions that would derive from this development. He stated that they estimated that approximately 11,500 trips would be generated by the store on an average weekday and approximately 13,000 on a Saturday. He stated that these estimates are a total of the ingress and egress trips in and out of the development. He stated that during the week they only estimate that half of those vehicles were going to be existing traffic on the network passed by trips and half would be new generated traffic specifically for the store. He stated that on the weekends a little less, existing traffic about 40% and maybe 60% new generated traffic. He stated that the analysis indicated that a signal would be required at the location of the main entrance to the development. He stated that the secondary drive on Illinois Road would function as a right in - right out only. He stated that with the additional traffic that this development would generate they are only looking at a 5 second additional delay for vehicles at that intersection. He stated that they feel that this is a good opportunity for the City from a traffic standpoint, that they will be able to control a large area of commercial access at a very critical location on the Illinois and the Getz Road corridor.

Mel Smith questioned what the volume of traffic is now on Getz Road and Illinois.

Mr. Cicero stated on Getz Road it is 13,270 and Illinois Road it is approximately 29,000 west of Getz and approximately 26,000 east of Getz.

Mr. Stephenson stated that one of the main concerns of the residents is the proximity of the project to Breconshire Addition. He stated that they are showing a berm of at least 15 feet in height that would separate their development from the Breconshire Addition. He stated that they have 120 to 160 feet in distance from the property line to the back of their building and what they intend to do is put in a heavily landscaped berm with mature trees. He stated it would serve then to separate their development from the homes to the south of them. He stated that they have no activities located on the back side of the building. He stated that the truck docks are located on the end of the building so that they can be screened by the bringing the berm around the corner. He stated at this point the berm has not been designed it is one of the points that will be dealt with in further discussions with the staff.

At this point the petitioner presented a video tape of a promotion for the store to the Commission.

Mr. Stephenson continued after the video presentation. Mr. Stephenson stated that as was pointed out on the video they are not coming in as developers only, but as owners and operators of the project. He stated that they are going to be providing jobs for at least 700 people at this location. He stated they will be

paying in excess of $100,000 in property taxes to the City. He stated that the staff report is not positive and they have had discussions with staff about the report. He stated that from the discussions with staff they feel they have reason to believe that with further discussions they should be able to come up with some ways that they can mitigate some of the potential adverse impacts of the development. He stated that they would request that the decision by the Commission be deferred until January 7, 1991, so that they can continue their discussions with staff.
Yvonne Stam questioned how deep the project was from Illinois Road.

Mr. Stephenson stated it was about 1400 feet.

Yvonne Stam questioned if the number of parking spaces met the requirements of the ordinance.

Mr. Stephenson stated that they are only required around 500 spaces. He stated that they have found with these projects that they need about 8 parking spaces per 1,000 square feet of space.

John Shoaff questioned how high the lights in the parking lot would be.

Mr. Stephenson stated that normally they are 49 feet high.

Mark Gensic questioned where the majority of the truck traffic would ingress and egress.

Mr. Stephenson stated that they should come off of Illinois.

Mr. Shoaff pointed out that it is possible for truck traffic to ingress and egress from Getz Road.

David Long questioned what they felt the long term impact would be along the undeveloped areas of Getz Road.

Mr. Stephenson stated that it varies. He stated that at some of their stores no commercial development has occurred around them and others have drawn commercial development. He stated that in respect to this location he felt that a commercial identity has been established. He stated there is a Speedway Station on the corner and other commercial in the area. He stated that speaking specifically of Getz Road and the property directly across the street from them those are planning issues they would have to deal with.

David Long questioned if the depth being shortened, as recommended by staff, to 650 feet from Illinois Road, as opposed to the original request of 1400 feet, would hinder the development of the project.

Mr. Stephenson said they would not be able to develop the project.

Mr. Long questioned if there was a compromise in the works or if they were insisting on the 1400 feet depth.

Mr. Stephenson stated that they would have to work on the site plan. He stated they felt that with the current site plan that leaving 160 feet between the building and the property line and installing a 15 foot berm would be comparable to leaving several hundred feet between the building and the property line. He stated that he felt that there is some flexibility in terms in moving the building somewhat forward. He stated that they have to maintain a certain parking ratio in order to make the project work.

David Long questioned if this project were to be approved when would construction on the store begin.

Mr. Stephenson stated that it would be at least 2 to 3 years.

Mr. Long stated that there is no guarantee that if within this 2 or 3 years Meijer's does not or is unable to build on the propertyand that a store like Meijer's will come in and develop this property. He stated that it could be sold to a less desirable tenant to be developed.

The following people spoke in support of the proposed project:

Delbert Dennis, 1632 Cambrian Place
David Saemisch, 1626 Cambrian Place
Jack Powell, 8721 Breakwater Drive, developer of lots in Breconshire
William Chamar, 1911 Edenton Dr, Vice Pres of the Westmoor Neighborhood Association

The following people spoke in opposition to the proposed project stating the following concerns:

- increased traffic volume
- noise pollution
- 24 hour day operation
- water run off from property
- development would cause a decrease in property values
- environmental impact on area
- felt the extension of Briar Fence Lane as an access into the development would be a detriment to Breconshire Subdivision
- a retention pond would be a breeding place for mosquitos and a danger to area children

Mike Glen, 5410 Welsch Glen Run
Peter Barkowith, 5927 Sundance Dr
John Leeder, 1624 Bardsey
Laurie Shaw, 1622 Briar Fence Ln
James Emerson, 1626 Briar Fence Ln
Resident, 5428 Breconshire Dr

Melba Baker Allen, 6016 Lois Ln
Vince Mastrangelo, 5318 Welsch Glen Run
Hilda Stadlemayer, 1623 Cambrian Pl
Marie Britton, 5517 Breconshire

In rebuttal, Mr. Stephenson stated that the extension of Briar Fence Lane from the Breconshire as an access to the development was at the recommendation of the staff. He stated it is not there request. Mr. Stephenson stated that with regard to the drainage they have proposed a dry pond on the property and there will be an outlet from the pond into the drain to the east of the property. He stated it would not set with water in the pond and serve as a mosquito breeding area and the pond will be fenced for the safety of the area residents. He stated that they feel that they can buffer the properties from the noise and lighting with the proposed berm and plantings. He stated that they can also work on lowering the lights if it proves necessary. He stated that he felt that they can by working with the staff come up with ways of mitigating some of the issues and concerns expressed. He stated that is what they would like to do and take another month to work on the objections of the area residents and staff.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and primary development plan.

Read the first time in full and on motion by Long, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the ~~Common Council Conference~~ Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 11-13-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|---|---|---|---|---|
| TOTAL VOTES | 6 | 2 | 1 | |
| BRADBURY | | ✓ | | |
| BURNS | | | ✓ | |
| EDMONDS | ✓ | | | |
| GiaQUINTA | ✓ | | | |
| HENRY | | ✓ | | |
| LONG | ✓ | | | |
| REDD | ✓ | | | |
| SCHMIDT | ✓ | | | |
| TALARICO | ✓ | | | |

DATED: 2-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. 2-01-91 on the 12th day of February, 19 91.

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 19 91, at the hour of 1:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of February, 19 91, at the hour of 3:00 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN

GENERAL FORM NO. 357

# RECEIPT

№ 10802

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 10-18 19 90

RECEIVED FROM Meijer $ 100.00

THE SUM OF One Hundred 00/100 DOLLARS

ON ACCOUNT OF SE Corner of Getz & Illinois rezoning R1, RH B1B + B3B & B2D

1010991

PAID BY: CASH ☒ CHECK ☐ 6 M.O. ☐

AUTHORIZED SIGNATURE

# PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Meijer Realty Co. (Ray Holland)
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1, RA, B1B, B3B District to a/an B2D District the property described as follows:

(see attached)

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: The property includes 5905 through 6011 on Illinois Road and 1219 plus 1333 through 1625 Getz Road.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

| (Name) | (Address) | (Signature) |
|---|---|---|
| (see attached) | | |
| | | |

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

| (Name) | (Address & Zip Code) | (Telephone Number) |
|---|---|---|
| Meijer Realty Co. (Ray Holland) | 2929 Walker, N.W, Grand Rapids, MI 49504 | (616)791-3410 |

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

(see attached)

Owners of Property

| (Name) | (Address) | (Signature) |
| --- | --- | --- |
| (see attached) | | |
| | | |
| | | |
| | | |
| | | |

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

# DESCRIPTION

A parcel of land located in Section 7, Township 30 North, Range 12 East, Allen County, Indiana and more particularly described as follows, to wit:

COMMENCING at the Southwest corner of Lot # 13 in Pavey's Subdivision to the City of Fort Wayne, Indiana, as recorded in Plat Record 14, page 124; thence Easterly along the South line of said lot a distance of 15.0 feet to the point of beginning.

BEGINNING at the above described point; thence North 0 degrees 19 minutes 58 seconds West (assumed bearing basis for description) along the new 40 foot right-of-way line of Getz Road, said line also being 15.0 feet measured perpendicular to and running parallel with the West line of said Pavey's Subdivision, a distance of 1093.21 feet measured (1092.72 feet plat); thence North 89 degrees 47 minutes 40 seconds East a distance of 116.0 feet to a point located on the West line of Lot # 7 in said subdivision and 200.0 feet North of the Southwest corner of said lot; thence North 0 degrees 19 minutes 58 seconds West along said West line a distance of 366.92 feet to the South right-of-way line of Illinois Road; said point located 50 feet South of the North line of said lot; thence North 89 degrees 52 minutes 30 seconds East along a line 50 feet South measured perpendicular and parallel with said North line of Lots # 7 thru 3 in said Subdivision along said right-of-way line a distance of 680.0 feet to a point on the East line of said Lot # 3; thence South 0 degrees 19 minutes 58 seconds East along said East line a distance of 465.96 feet to a point, said point located 100.0 feet North of the Southeast corner of said Lot # 3; thence North 89 degrees 47 minutes 40 seconds East and parallel to the South line of Lot # 2 in said subdivision a distance of 136.0 feet to a point on the East line of said lot; thence South 0 degrees 19 minutes 58 seconds East along said East line a distance of 100.0 feet to the Southeast corner of said Lot # 2, also being the Southwest corner of Lot # 1 said Subdivision; thence North 89 degrees 47 minutes 40 seconds East along the South line of said Lot # 1 also being the North line of Lot # 9 a distance of 148.69 feet to the Southeast corner of Lot # 1, also the Northeast corner of Lot # 9; thence South 0 degrees 00 minutes 12 seconds West along the East line of Lots # 9 and 10 in said Subdivision a distance of 233.78 feet; thence North 89 degrees 52 minutes 30 seconds East a distance of 582.27 feet; thence South 0 degrees 00 minutes 27 seconds West a distance of 238.72 feet; thence South 88 degrees 55 minutes 30 seconds East a distance of 504.65 feet to a point on the West line of Westmoor Extended Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 22, pages 155-158; thence South 0 degrees 00 minutes 45 seconds West along the West line of Lots # 96 through 91, in said Addition a distance of 426.91 feet; thence North 87 degrees 59 minutes 29 seconds West along the North line and its extension of Breconshire, Phase Four, as recorded in Cabinet B, page 41, a distance of 757.20 feet to the Northwest corner of Lot # 74 in said Addition; thence South 0 degrees 00 minutes 12 seconds West along the West line of said lot a distance of 40.5 feet; thence North 88 degrees 55 minutes 32 seconds West a distance of 330.0 feet to the Southeast corner of said Lot # 13; thence North 89 degrees 01 minutes 29 seconds West along said South line a distance of 1075.6 feet to the point of beginning containing 45.93 acres of land and subject to all easements of record.

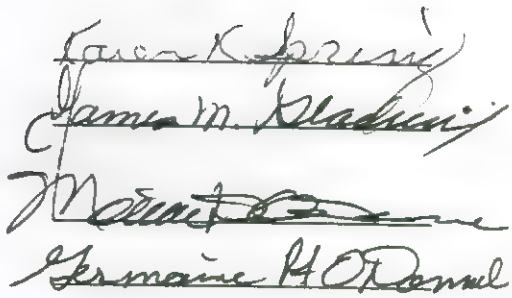
ATTACHMENT TO PETITION FOR ZONING ORDINANCE

We, the undersigned, certify that we are the owners of the property described in this petition.

| NAME | ADDRESS | SIGNATURE |
|---|---|---|
| Michael E. Byerley | 902 E. Gump Road | |
| Rebecca A. Byerley | 902 E. Gump Road | |
| Melvin J. Powell | 2305 Candlewick Dr. | |
| Barbara B. Powell | 2305 Candlewick Dr. | |
| M. Jack Powell Jr. | 8721 Breakwater Dr. | |
| DeWayne R. Fairchild | 7786 E. State Rd. 14<br>Columbia City, IN | |
| Carol M. Fairchild | 7786 E. State Rd. 14<br>Columbia City, IN | |
| Tim L. Gratz | 5125 Potomac Dr. | |
| Sandra A. Gratz | 5125 Potomac Dr. | |
| Merle L. Carter | 4726 W. Cook Rd. | |
| Phyllis J. Carter | 4726 W. Cook Rd. | |
| Richard E. Kimmel | 1219 Getz Rd. | |
| Eileen R. Kimmel | 1219 Getz Rd. | |
| Robert J. Dill | 3401 Willowdale Rd. | |
| Hilda M. Dill | 3401 Willowdale Rd. | |
| Thomas J. Brewer | 1403 Getz Rd. | |
| Robert E. Connolly | 1413 Getz Rd. | |
| Harry A. Jacobs | 1511 Getz Rd. | |
| Mary C. Jacobs | 1511 Getz Rd. | |
| Thelma J. Miller | 1529 Getz Rd. | |
| Danny L. Springer | 4227 Ara Dr.<br>Woodburn, IN 46797 | |

90243WAL0036

| | |
|---|---|
| Karen K. Springer | 4227 Ara Dr.<br>Woodburn, IN 46797 |
| James M. Gladieux<br>Gladieux, Ltd. | 4133 New Haven Ave. |
| Maurice D. O'Daniel | P.O. Box 517 |
| Germaine A. O'Daniel | P.O. Box 517 |



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-11-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 19, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held January 7, 1991.

Certified and signed this
10th day of January 1991.

Robert Hutner
Secretary

#451

ORIGINAL

ORIGINAL

**DIGEST SHEET**

**TITLE OF ORDINANCE** Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** The southeast corner of Getz Road and Illinois Road.

2-90-11-17

**EFFECT OF PASSAGE** Property is presently zoned R-1 - Single Family Residential; RA - Suburban Residential; B-1-B - Limited Business and B-3-B - General Business District. Property will become B-2-D - Regional Shopping Center District.

**EFFECT OF NON-PASSAGE** Property will remain R-1, RA, B-1-B and B-3-B.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)**

**(ASSIGN TO COMMITTEE (J.N.)**

BILL NO. Z-90-11-17

Regulations ~~Committee of the Whole~~

REPORT OF THE COMMITTEE ON ~~REGULATIONS~~

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

Regulations ~~Committee of the Whole~~

WE, YOUR COMMITTEE ON ~~Regulations~~ TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

| DO PASS | DO NOT PASS | ABSTAIN | NO REC |
|---|---|---|---|
| | | | Thomas C. Henry |
| | | | J. Bradbury |
| | | | D. Schmidt |
| | David C. Long | | |
| | | | R. Edmonds |

DATED: 2-12-91.

Sandra E. Kennedy
City Clerk

I hereby move for reconsideration of the Ordinance known as 2-90-11-17, re. the Rezoning of the prop. located at the corner of Getz - Ill. Rds.

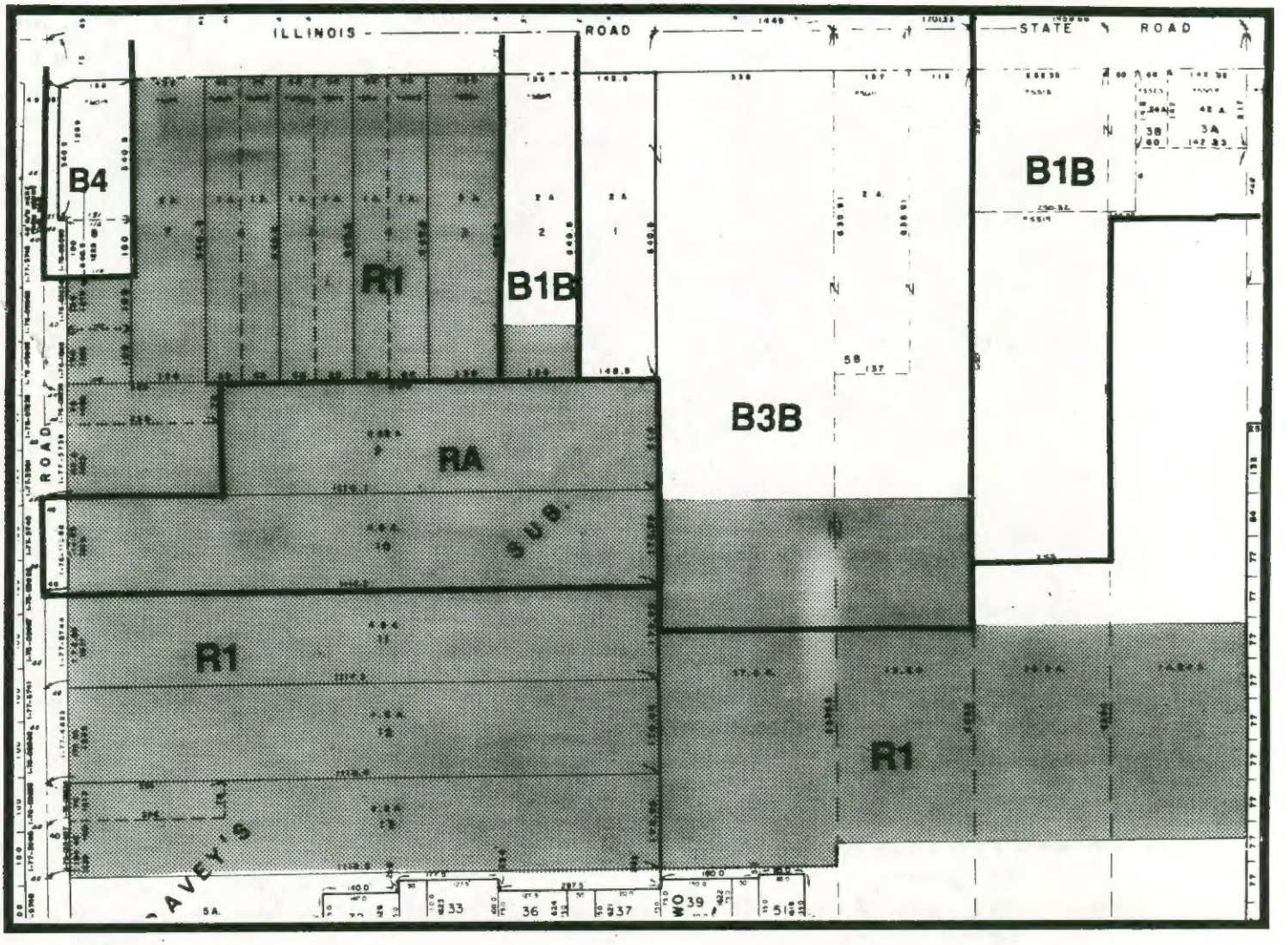
David Long

# REZONING PETITION #451

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1, RA, B1B, B3B** DISTRICT TO A **B2D** DISTRICT.

MAP NO. **E-2**

COUNCILMANIC DISTRICT NO. **4**




## ZONING:

*R1 RESIDENTIAL DISTRICT*

*RA RESIDENCE "A"*

*B1B LIMITED BUSINESS "B"*

*B3B GENERAL BUSINESS "B"*

## LAND USE:

☐ *COMMERCIAL*

☐ *SINGLE FAMILY*

☐ *MULTI-FAMILY*

LW

**SCALE: 1"=275'**

**DATE: 10-29-90**

N